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September 27, 2023

VIA EMAIL

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Sandra Sands
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**Re: Settlement Offer – U.S. ex rel. Liebman v. Methodist Le Bonheur Healthcare,
et al., No. 3:17-cv-00902 (M.D. Tenn.)**

CONFIDENTIAL SETTLEMENT COMMUNICATION SUBJECT TO FED. R. EVID. 408

Dear Ellen and Sandra:

I am sending this letter in follow up to my September 21, 2023 email regarding Methodist's settlement position. Methodist remains unwilling to settle the above-referenced matter if HHS OIG intends to impose administrative sanctions as part of the settlement, which would include adding Methodist to the Heightened Scrutiny list. Methodist understands that OIG would not be releasing administrative liability in a settlement agreement, but Methodist would like to receive assurances that OIG does not intend to take further actions based on the facts now known. Additionally, settlement is still conditioned upon Methodist reaching agreement with Relators' counsel regarding their attorneys' fees, which we are working to conclude.

As I stated more fully in my last email, there is not evidentiary or factual support for OIG's stated concerns about Methodist's past conduct that would warrant a CIA or any administrative sanction. Additionally, the arrangement in question ended in February 2019. And, again, we do not believe there is a principled reason why OIG would treat Methodist differently than West Clinic when the United States moved to intervene as against both parties and West Clinic's settlement exceeded \$1 million.

We remain willing to discuss OIG's specific factual concerns with you in more detail or to discuss ways to bring this matter to a resolution.

Ellen Bowden McIntyre
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Sincerely,



Brian D. Roark

cc: Thomas Jaworski (thomas.jaworski2@usdoj.gov)
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